FARAD CONTINUATION SHEET NO.:
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Writ Petition No.8904 of 2004

Office Notes, Office Memoranda of coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders.

Mr.M.L.Patil for petitioners.
Mr.Sunil Shukla i/by M/s.Shukla & Shukla for res.No.1.
Mr.S.V.Sadavarte for res.No.2.

CORAM : H.L GOKHALE &
R.S.MOHITE, JJ.
DATED : 22nd December 2004

P.C. :

1. This matter is notified on the Board at the instance of Mr.Patil appearing for the petitioners. Mr.Shukla is present for respondent No.1 and Mr.Sadavarte for respondent No.2.

2. Mr.Patil, learned Counsel appearing for the petitioners, informs that although the 10% amount was ready to be deposited on 16th December 2004, the same could not be deposited in the Appellate Tribunal for want of copy of the order of this Court.

He states that further 30% amount is also ready and the entire 40% amount will be deposited by tomorrow i.e. on or before 23rd December 2004. Mr.Shukla appearing for respondent No.1, informs that the bids for the concerned property have already been received. However, in furtherance to the order passed on 16th December 2004, no further action has been taken.

3. In this view of the matter, on the request of Mr.Patil and with the consent of the Counsel appearing for the respondents, we permit the petitioners to deposit the 40% amount in the Appellate Tribunal on or before 23rd December 2004. Mr.Patil will inform the Counsel for the respondents that the amount is so deposited and if the amount is so deposited, respondent No.1 will not take any further

steps with respect to the auction until further orders are passed in the Appellate Tribunal. On being informed about the deposit, the petitioners as well as the respondents will jointly move the Appellate Tribunal for getting the date before the Appellate Tribunal for hearing.

4. We make it clear that in the event the amount is not so deposited by tomorrow, it will be open to respondent No.1 to proceed with the auction and take further necessary steps.

5. With this order, the petition stands disposed of, so also the Civil Application.

6. Authenticated copy of this order be provided.

(H.L.GOKHALE, J.)

(R.S.MOHITE, J.)